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Cleanup Office

December 15, 2008

United States Environmental Protection Agency, Region 10
Claire Hong, Remedial Project Manager
Environmental Cleanup Office
1200 Sixth Avenue, ECL-111
Seattle, Washington 98101

VIA EMAIL

RE: *Notice of Potential Liability Pursuant to Section 107(a) and Request for Information Pursuant to Section 104(e) of CERCLA, for the Lower Duwamish Waterway Superfund Site, Seattle, Washington (the "Notice and Request for Information" or "RFI")*

Monsanto Company/Monsanto Chemical Company
Site: Lower Duwamish Waterway, Seattle, WA
8801 East Marginal Way S, Tukwila, WA 98108
King County Tax Parcels: 5422600060 and 5422600010

Dear Ms. Hong:

In accordance with our telephone conference November 20, we are writing to respond on behalf of the Monsanto Company ("New Monsanto") to your questions regarding what you believe may be "orphan" documents that your team has identified in the Monsanto 104(e) production. As we understand it, you are referring to documents from the former Monsanto Company's Seattle Plant, specifically certain appendices which may be missing the main body of text, and/or exhibits free from their source documents.

In response to EPA's RFI, Monsanto identified historic plant documents via a standard process of searching various internal databases and indices for potentially responsive documents retained when the old Seattle Plant was sold in 1986. We understand that whatever plant files were retained have been maintained in the form that they were originally stored. In most cases these Seattle Plant records were kept without reference to or other indication of the specific files or office locations from which they originated. In other words, if some appendices appeared in the production without the main report, or with the main report not adjacent, the most likely explanation is that the main report or other missing documents never made it to the person whose files were originally preserved and reviewed for responsiveness pursuant to the RFI.

The completeness of documents retained may have been further affected by the age and duration of the former Monsanto Company's operations at the Seattle Plant, the sale of the property more than 20 years ago, and the corporate transactions that have taken place in the intervening period since that sale.

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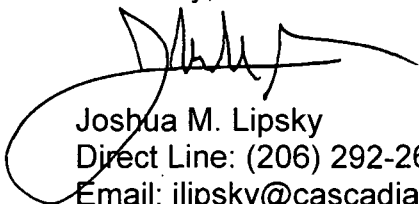
Finally, the only other explanation of orphan documents we can offer is that, in an effort to avoid submitting duplicate copies of voluminous documents, an extra copy of a document could conceivably have been removed but its attachment left in the production. We are not aware of a specific example of this and, to the best of our knowledge, at least one copy of all documents in Monsanto's possession that were responsive to the RFI were produced.

We hesitate to speculate further as to what may have created these orphan documents because, after a diligent search (but not a complete page-by-page review) we have been unable to locate many examples of this in the production. For this reason, we invite you to contact us and provide examples of any specific orphan document so that we can help tie any such document to its source or otherwise attempt to research its origin and any documents associated with it. This may also assist us in better understanding the type of orphan document you are concerned about so that we can possibly identify other documents on our own.

Please let us know if you have further questions regarding our response.

Thank you very much.

Sincerely,



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JML:tj
Enclosures

cc: M. Shaffer